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OFFICE OF PETITIONS

In re Application of
Bruce G. Kania et al.
Application No. 09/121,300
Filed: July 23, 1998
Attorney Docket No. 3295-0024-0C

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed May 31, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The instant application became abandoned on December 21, 2004, for failure to submit within three months, a proper and timely response to the final Office action mailed on September 20, 2004. By Advisory Action dated April 5, 2005, petitioners were informed that the reply to the Final Office Action, filed November 24, 2004, did not place the application in condition for allowance. Accordingly, a Notice of Abandonment was mailed May 19, 2005.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3738 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions